

Remarks

In the subject Action, the Examiner rejected claims 1-6 and 11-13 under 35 U.S.C. 102(b) as being anticipated by the cited patent to Adkins et al. Applicant respectfully traverses this rejection and requests reconsideration in view of the above amendments and the reasons set forth below.

As an initial matter, Applicant respectfully questions the Examiner's interpretation of the Adkins reference. Among other things, the Adkins reference describes a unitary handlebar and foot rest assembly, and it appears to Applicant that this unitary assembly is pivotally connected to the Adkins frame 12 at pivot 102 (as shown in Figure 1). Moreover, the Adkins member 24 appears to be part of the frame (a front vertical support), as opposed to a link pivotally connected between the handlebar 92 and the foot rest 126. Furthermore, the Adkins member 32 appears to be an electronic display and/or user interface, as opposed to an upper foot support.

With regard to claim 1, in particular, it has been amended to emphasize that the handlebar is movably mounted on a first portion of the frame and the foot support is movably mounted on a discrete, second portion of the frame. To the contrary, the Adkins handlebar and foot support are rigidly interconnected, and are movably mounted on the same portion of the Adkins frame (at pivot 102).

Claim 1 has also been amended to emphasize that the foot support has a forward end sized and configured to support a user's feet, a first rearward portion pivotally connected to the frame, and a second rearward portion movably linked to the handlebar in a

manner that links downward movement of the handlebar to upward movement of the foot support. To the contrary, the Adkins foot support is rigidly connected to the Adkins handlebar, and the unitary assembly is connected to the Adkins frame (at pivot 102).

Claim 1 also recites having the user lift his feet by doing any combination of (a) lifting upward on the foot support, and (b) pushing downward on the handlebar. Figure 2 of the Adkins patent shows the machine 10 in a rest position. From this position, the Adkins foot support 126 is movable downward, but not upward. Also, since the Adkins handlebar 92 is forward of the pivot 102, downward pushing on the handlebar 92 will not result in lifting of the user's feet. Figure 3 of the Adkins patent shows the machine 10 in an active position, wherein the Adkins foot support 126 can move upward, but not in response to downward pushing on the Adkins handlebar 92.

Claim 3 has been amended to emphasize that the foot support is pivotally mounted on a discrete, second portion of the frame. As noted above, the Adkins handlebar and foot support are rigidly interconnected, and are movably mounted on the same portion of the Adkins frame (at pivot 102).

Claim 3 has also been amended to emphasize that the foot support has a relatively rearward portion movably linked to the handlebar in a manner that links downward movement of the handlebar to upward movement of the foot support. As noted above, the Adkins foot support is rigidly connected to the Adkins handlebar, and the unitary assembly is connected to the Adkins frame (at pivot 102).

Claim 5 depends from claim 3 and recites that the seat is rigidly connected to the frame. To the contrary, the Adkins seat 40 is movably connected to the Adkins frame 12 (as seen by comparing the positions of the Adkins seat 40 in Figures 2 and 3).

Claim 6 depends from claim 3 and has been amended to recite an adjustable resistance means interconnected between the frame and at least one of the handlebar and the foot support, for resisting upward movement of the foot support relative to the frame. No such resistance means is apparent on the Adkins machine 10.

Independent claim 11 has been amended to recite that the seat is mounted in place on the frame. As noted above, the Adkins seat 40 is movable relative to the Adkins frame 12.

Claim 11 also recites a handlebar having a first end sized and configured to support a person's hands, an intermediate portion pivotally connected to the frame, and an opposite, second end, and a foot support having a first end sized and configured to support a person's feet, and an opposite, second end pivotally connected to the frame. Applicant respectfully submits that the Adkins "unitary assembly" that includes the Adkins handlebar 92 and the Adkins foot rest 126 does not meet all of the foregoing limitations. Among other things, the Adkins member 100 would have to be interpreted as both a part of the recited handlebar and a part of the recited foot support.

Claim 11 also recites at least one link pivotally interconnected between the second end of the handlebar and an intermediate portion of the foot support to link downward movement

of the handlebar to upward movement of the foot support. Applicant respectfully submits that no such link is taught or suggested by the Adkins reference. As noted above, the Adkins member 24 is described as a front vertical support, and it is an integral component of the Adkins frame 12.

Next, the Examiner rejected claims 7-10 and 16-17 under 35 U.S.C. 103(a) as being unpatentable over Adkins in view of the cited patent to Wang et al. Applicant respectfully traverses this rejection and requests reconsideration in view of the above amendments and the reasons set forth below.

For reasons discussed above with respect to the first rejection, Applicant respectfully disagrees with the Examiner's assertion that the Adkins patent discloses all of the limitations of the claimed invention except those regarding the intermediate portion of the handlebar link.

With regard to claim 7, in particular, Applicant respectfully submits that neither cited reference discloses a handlebar link having a forward end pivotally connected to a lower end of the handlebar, an intermediate portion pivotally connected to the frame, and a rearward portion pivotally connected to an upper end of an intermediate link (as recited in claim 7).

Claim 9 depends from claim 7 and has been amended to recite an adjustable resistance means interconnected between the frame and a rearward end of the handlebar link, for resisting downward movement of the handlebar relative to the frame. No such resistance means is apparent in either cited reference.

Claim 10 depends from claim 7 and has been amended to recite an adjustable resistance means interconnected between the frame and the foot support, for resisting upward movement of the foot support relative to the frame. No such resistance means is apparent in either cited reference.

Claim 16 depends from claim 11 and recites an adjustable resistance means interconnected between the frame and the handlebar, for resisting downward movement of the handlebar relative to the frame. No such resistance means is apparent in either cited reference.

Claim 17 depends from claim 11 and recites an adjustable resistance means interconnected between the frame and the foot support, for resisting upward movement of the foot support relative to the frame. No such resistance means is apparent in either cited reference.

Next, the Examiner rejected claims 14-15 under 35 U.S.C. 103(a) as being unpatentable over Adkins in view of the cited patent to Wu. Applicant respectfully traverses this rejection and requests reconsideration in view of the above amendments and the reasons set forth below.

For reasons discussed above with respect to the first rejection, Applicant respectfully disagrees with the Examiner's assertion that the Adkins patent discloses all of the limitations of the claimed invention except for the discrete pivot axes for the handlebar and the foot support.

With regard to claim 14, in particular, it depends from claim 11 and recites that the handlebar pivots about a first pivot axis relative to the frame, and the foot support pivots about a discrete, second pivot axis relative to the frame. As noted above, both the Adkins handlebar 92 and the Adkins foot rest 126 pivot about the same pivot 102 on the Adkins machine 10. Moreover, the Wu handlebar 32 is not pivotally connected to the Wu frame 12, but rather, is pivotally connected to the seat support (at pivot 23).

Claim 15 depends from claim 14 and has been amended to emphasize that each said axis extends underneath a planform defined by the seat. The axis associated with the Adkins pivot 102 is disposed closer to the floor than the Adkins seat 40, but it does not extend underneath a planform defined by the Adkins seat 40. Similarly, the Wu axes do not extend underneath a planform defined by the Wu seat 21.

Having addressed the issues raised in the subject Action, Applicant respectfully requests reconsideration and allowance of the subject application. Should any issues remain unresolved, the Examiner is always welcome to contact Applicant's undersigned representative at the telephone number set forth below.

Respectfully submitted,

MAKUL  
Mark A. Krull  
Reg. No. 34,205  
(541) 385-0383